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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re Application of:

Appeal No. _____

SUNG-HO KANG

Serial No.:	09/912,575	Examiner:	HASSAN A. PHILLIPS
Filed:	26 July 2001	Art Unit:	2151
For:	NETWORK SYSTEM AND CONTROL METHOD FOR RECOGNIZING VARIABLE IP ADDRESS AS FIXED IP ADDRESS (as amended)		

TRANSMITTAL OF SECOND CORRECTED APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Accompanying this transmittal is a Second Corrected Appeal Brief (Paper No. 25) in response to the Notification of Non-Compliant Appeal Brief mailed on 13 July 2007 (Paper No. 20070711).

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that, on 13 August 2007, this correspondence is being facsimile transmitted to the U.S. Patent & Trademark Office (**Facsimile No. 571-273-8300**)
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B. Watamale

For Robert E. Bushnell (Reg. No. 27,774)

Respectfully submitted,

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Folio: P56410: Date: 8/13/07: I.D.: REB/kf

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For: NETWORK SYSTEM AND CONTROL METHOD FOR RECOGNIZING VARIABLE IP ADDRESS AS FIXED IP ADDRESS (as amended)

SECOND CORRECTED APPEAL BRIEF

Paper No. 25

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on 13 July 2007 (Paper No. 20070711), and pursuant to Appellant's Notice of Appeal filed on 12 September 2006, Appellant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection of claims 1, 4, 5, 7, 10 thru 13, 16, 19, 21 and 22, as set forth in the final Office action mailed on 13 April 2006 (Paper No. 20060124) and the Advisory Action mailed on 24 August 2006 (Paper No. 20060821). Claims 2, 3, 6, 8, 9, 14, 15, 17, 18, 20, 23 and 24 were previously canceled without prejudice or disclaimer of their subject matter.

Folio: P56410
Date: 8/13/07
I.D.: REB/JGS/kf

- i -

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

Pursuant to 37 CFR §41.37 (as amended), the real party in interest is:

SamSung Electronics Co., Ltd.
#416, Maetan-dong, Yeongtong-gu,
Suwon-si, Gyeonggi-do, 442-742, Republic of KOREA

as evidenced by the Assignment executed by the inventor on 9 July 2001 and recorded in the

U.S. Patent & Trademark Office on 26 July 2001 at Reel 012028, frame 0212.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals and no interferences known to Appellant, Appellant's legal representatives or the assignee which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1, 4, 5, 7, 10 thru 13, 16, 19, 21 and 22 stand finally rejected. Of the latter claims, claims 1, 7, 13 and 19 are independent, whereas the remaining claims are dependent. Claims 2, 3, 6, 8, 9, 14, 15, 17, 18, 20, 23 and 24 were previously canceled without prejudice or disclaimer of their subject matter.

IV. STATUS OF AMENDMENTS

There is no Amendment filed subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to a network system and a method of controlling the same. More particularly, the invention relates to a network system, and a method of controlling the same, wherein variable Internet protocol (IP) addresses of network units are viewed as fixed IP addresses.

As recited in independent claim 1, with reference to Figure 2, the invention relates to a network system, comprising: at least one network unit 50 having a variable Internet protocol (IP) address and unique identification information (paragraph [0024] of the specification); a dynamic host configuration protocol (DHCP) server 90 responsive to a request from said at least one network unit for assigning said variable IP address to said at least one network unit for a predetermined period of time (paragraph [0027] of the specification); and an agent server 10 including a communication unit 20 for receiving said unique identification information and said variable IP address from said at least one network unit 50, for transferring said unique identification information and said variable IP address, and for receiving from a user 95 unique identification information of a network unit 50 selected by the user (paragraph [0030] of the specification), a database 30 connected to said communication unit 20 for receiving and storing said variable IP address and said unique identification information transferred from said communication unit 20 (paragraphs [0030] and [0032] of the specification), and a control unit 40 connected to said communication unit 20 and to said database 30 for receiving from the user 95 via said communication unit 20 said unique identification information of said network unit 50 selected by the user 95, for searching said database 30 for said variable IP address of said at least one network unit 50 on the basis of the unique identification information received from the user 95, and for enabling the user 95 to gain access to said selected network unit 50 in accordance with results of the searching of said database 30

(paragraph [0030] of the specification); wherein said unique identification information includes at least one of an Ethernet address of said at least one network unit 50 and a search keyword for said variable IP address of said at least one network unit 50 (paragraphs [0024], [0027], [0030] and [0033] of the specification).

As recited in independent claim 7, with reference to Figures 2, 3 and 4, the invention relates to a method of controlling a network system having a dynamic host configuration protocol (DHCP) server 90, an agent server 10, and at least one network unit 50, said method comprising the steps of: (a) requesting a variable Internet protocol (IP) address for said at least one network unit 50 from said DHCP server 90 when said at least one network unit 50 powers up (step S10 and paragraph [0038] of the specification); (b) transmitting the requested variable IP address from said DHCP server 90 to said at least one network unit 50 (step S20 and paragraph [0038] of the specification); (c) storing unique identification information and the variable IP address of said at least one network unit 50 in a database 30 in said agent server 10 (steps S30 and S40 and paragraph [0039] of the specification); (d) receiving data at said agent server 10 from a user 95 over a network, comparing said received data with said unique identification information stored in said database 30, and searching for said variable IP address of said at least one network unit 50 when said comparing produces a match (steps S100 and S120 and paragraph [0042] of the specification); and (e) connecting the user 95 to said at least one network unit 50 having the searched variable IP address (step S120 and paragraph [0042] of the specification); said method further comprising the steps, between steps (b) and (c), of receiving said unique identification information and said variable IP address of said at least one network unit 50 at said agent server 10, and transferring said unique identification information and said variable IP address of said at least one network unit 50 to said database 30 in said agent server

- 6 -

10 (steps S30 and S40 and paragraph [0039] of the specification)); wherein said unique identification information includes at least one of an Ethernet address of said at least one network unit 50 and a search keyword for said variable IP address of said at least one network unit 50 (paragraphs [0024], [0027], [0030] and [0033] of the specification).

As recited in independent claim 13, with reference to Figure 2, the invention relates to a network system comprising a dynamic host configuration protocol (DHCP) server 90, an agent server 10, and at least one network unit 50 having a variable Internet protocol (IP) address assigned to said at least one network unit 50 by said DHCP server 90, and unique identification information (paragraphs [0024] and [0027] of the specification), said agent server 10 comprising: a communication unit 20 for receiving, from each said at least one network unit 50, said variable IP address assigned to said at least one network unit 50 by said DHCP server 90 and said unique identification for each said at least one network unit 50, and for receiving from a user 95 unique identification information for a network unit 50 selected by the user 95 (paragraph [0030] of the specification); storing means 30 connected to said communication unit 20 for receiving and storing said variable IP address and said unique identification information for each said at least one network unit 50 (paragraphs [0030] and [0032] of the specification); and a control unit 40 connected to said communication unit 20 and to said storing means 30 for receiving the unique identification information for the network unit 50 selected by the user 95, and for searching said storing means 30 for said variable IP address of said selected network unit 50 on the basis of the unique identification information received from the user 95, and responsive to results produced by said searching for enabling the user 95 to gain access to said selected network unit 50 (paragraph [0030] of the specification); wherein said storing means 30 comprises a database, said communication unit 20

transferring said received unique identification information and said variable IP address to said database 30 (paragraphs [0030] and [0032] of the specification); and wherein said unique identification information includes at least one of an Ethernet address of said at least one network unit 50 and a search keyword for said variable IP address of said at least one network unit 50 (paragraphs [0024], [0027], [0030] and [0033] of the specification).

As recited in independent claim 19, with reference to Figure 2, 3 and 4, the invention relates to a method of controlling a network system having a dynamic host configuration protocol (DHCP) server 90, an agent server 10, and at least one network unit 50, said method comprising the steps of: (a) requesting a variable Internet protocol (IP) address for said at least one network unit 50 from said DHCP server 90 when said at least one network unit 50 powers up (step S10 and paragraph [0038] of the specification); (b) transmitting the requested variable IP address from said DHCP server 90 to said at least one network unit 50 (step S20 and paragraph [0038] of the specification); (c) storing unique identification information and the variable IP address of each said at least one network unit 50 in a database 30 in said agent server 10 (steps S30 and S40 and paragraph [0039] of the specification); (d) receiving at said agent server 10, from a user 95, unique identification information corresponding to a network unit 50 selected by the user 95(step S100 and paragraph [0040] of the specification); (e) comparing said unique identification information received from the user with said unique identification information stored in said database 30 (step S120 and paragraph [0042] of the specification); (f) determining said variable IP address of said network unit 50 selected by the user 95 when step (e) produces a match (step S120 and paragraph [0042] of the specification); and (g) connecting the user 95 to said selected network unit 50 having the determined variable IP address(step S120 and paragraph [0042] of the specification); wherein said unique identification

information includes at least one of an Ethernet address of said at least one network unit 50 and a

search keyword for said variable IP address of said at least one network unit 50 (paragraphs [0024],

[0027], [0030] and [0033] of the specification).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 4, 5, 7, 10 thru 13, 16, 19, 21 and 22 were improperly rejected under 35 U.S.C. §103 for alleged unpatentability over Anderson *et al.*, U.S. Patent No. 6,567,122 in view of "Applicant's Admitted Prior Art (AAPA)".

VII. ARGUMENT

Grouping of claims

- Claim 1;

- Claims 4 and 5;

- Claims 7 and 12;

- Claims 10 and 11;

- Claim 13;

- Claim 16;

- Claim 19; and

- Claims 21 and 22.

Justification of Grouping of claims

Claim 1 is separately grouped by virtue of its recitation of a system comprising the unique and non-obvious combination of at least one network unit, a dynamic host configuration protocol (DHCP) server, and an agent server with the respective functions recited in the claim, and by the further recitation that the unique identification information includes at least one of an Ethernet address of said at least one network unit and a search keyword for said variable IP address of said at least one network unit.

Claims 4 and 5 are separately grouped with respect to claim 1 by virtue of the recitation of the unique and non-obvious functions of the control unit as recited in the claims.

Claims 7 and 12 are separately grouped by virtue of the recitation of a method comprising

- 11 -

the unique and non-obvious combination of steps (a) thru (e), as well as the recitation of the receiving and transferring of unique identification information and a variable IP address of said at least one network unit, and the recitation that the unique identification information includes at least one of an Ethernet address of said at least one network unit and a search keyword for said variable IP address of said at least one network unit.

Claims 10 and 11 are separately grouped with respect to claim 7 by virtue of the recitation that the data received in step (d) of claim 7 comprises at least one of said Ethernet address of said at least one network unit and said search keyword for said variable IP address of said at least one network unit.

Claim 13 is separately grouped by virtue of its recitation of a network system comprising the unique and non-obvious combination of a DHCP server, an agent server and at least one network unit, the agent server comprising the unique and non-obvious combination of a communication unit, storing means and a control unit having the respective functions recited in the claim, and by virtue of the further recitations that the unique identification information includes at least one of an Ethernet address of said at least one network unit and a search keyword for said variable IP address of said at least one network unit.

Claim 16 is separately grouped with respect to claim 13 by virtue of the unique and non-obvious function of the control unit as recited in the claim.

Claim 19 is separately grouped by virtue of its recitation of a method comprising the unique

- 12 -

and non-obvious combination of steps (a) thru (g), and the recitation that the unique identification information includes at least one of an Ethernet address of said at least one network unit and a search keyword for said variable IP address of said at least one network unit.

Claims 21 and 22 are separately grouped with respect to claim 19 by virtue of the recitation that the unique identification information received from the user in step (d) comprises at least one of an Ethernet address and a search keyword corresponding to the network unit selected by the user.

Patentability Over the Prior Art

Independent claims 1 and 13 recite the network system of the present invention as comprising the new and non-obvious combination of at least one network unit, a dynamic host configuration protocol (DHCP) server, and an agent server, the agent server including a communication unit, a database, and a control unit with the new and non-obvious functions recited in the claims. Similarly, independent method claims 7 and 9 recite a method of controlling a network system having a DHCP server, an agent server, and at least one network unit, with the steps of claims 7 and 19 corresponding to the functions recited in independent system claims 1 and 13. Thus, the functions and steps recited in system claims 1 and 13 and method claims 7 and 19, respectively, define the invention in a manner distinguishable from the prior art so as to preclude rejection under 35 U.S.C.§103.

Each of independent claims 1, 7, 13 and 19 recites the network system as including a dynamic host configuration protocol (DHCP) server. As recited in independent system claim 1, the DHCP server is responsive to a request from each network unit for assigning a variable Internet

protocol (IP) address to each network unit for a predetermined period of time. As recited in independent system claim 13, the IP address is assigned to each network unit by the DHCP server. In addition, as recited in independent method claims 7 and 19, the method of the present invention includes an initial step of requesting a variable IP address for each network unit from the DHCP server when the network unit is powered up, as well as the step of transmitting the requested IP address from the DHCP server to each network unit. Finally, each of the independent claims recites that the "unique identification information" comprises at least one of an Ethernet address and a search keyword for a variable IP address of a network unit.

The single patent cited and applied by the Examiner, Anderson *et al.* '122, does not disclose, suggest or even mention a DHCP server as a part of the system disclosed in that patent. Thus, the invention as recited in independent claims 1, 7, 13 and 19 is distinguishable from Anderson *et al.* '122 on this basis alone.

At page 7, lines 14-15 of the final Office action, the Examiner admits that the system and method of Anderson *et al.* '122 fail to expressly disclose a DHCP server. However, at page 7, lines 16-18 of the final Office action, the Examiner contends that Anderson *et al.* '122 suggests that a DHCP server is involved when it describes a network unit as changing addresses each time it establishes an Internet connection (citing column 9, lines 4-9 and column 12, line 57 thru column 13, line 12). However, none of the portions of the text of Anderson *et al.* '122 cited by the Examiner mentions or suggests the involvement of a DHCP server in the changing of an address of a network unit each time it establishes an Internet connection.

- 14 -

On page 7 of the final Office action, the Examiner further suggests that DHCP servers were "well known in the art at the time of the present invention" (quoting from page 7, lines 19-20 of the final Office action). At page 7, lines 20-21 of the final Office action, the Examiner alleges that the Appellant "admits this in a discussion of the related art", citing page 2, paragraph 6 of the present application. However, whereas Appellant does discuss DHCP servers in the "Related Art" section of the application, at no point in that section or in the application in general does the Appellant admit that DHCP servers were well known in the **prior** art, as the term "prior art" is defined in the sub-sections of 35 U.S.C. §103. Thus, it is respectfully submitted that the Examiner is in error when he cites portions of the present application as constituting "Applicant's Admitted Prior Art" (AAPA). In addition, at no point in the application does the Appellant admit that DHCP servers having the functions recited in the claims were known in the prior art.

Furthermore, one of ordinary skill in the art, at the time of the invention, would not have had access to the present application. Thus, it is doubtful that one of ordinary skill in the art, upon reviewing the disclosure of Anderson *et al.* '122, would receive sufficient information to modify the disclosure of Anderson *et al.* '122 so as to add a DHCP server to that disclosure. It is submitted that the only reason that the Examiner is able to make that modification to Anderson *et al.* '122 is due to the fact that the Examiner (unlike one of ordinary skill in the art at the time of the invention) has had access to the disclosure of the present application.

In paragraph 4 on pages 3 and 4 of the previous Office action of 28 September 2005 (Paper No. 20050719), the Examiner cited three references in support of the assertion that DHCP servers were well known in the art as of the date of the present invention. However, it should be noted that

the Examiner has not cited any of the three references in combination with Anderson *et al.* '122 under 35 U.S.C. §103. Furthermore, it should also be noted that one of the references ("What is DHCP?") has a date (September 2003) which falls well after Appellant's priority date (20 November 2000) and U.S. filing date (26 July 2001). Thus, that reference cannot be used as a reference under 35 U.S.C. §103. Finally, the Examiner has not cited any portion of Anderson *et al.* '122, and in fact there is no portion of Anderson *et al.* '122, which would motivate or instruct a person of ordinary skill in the art to find the disclosure of a DHCP server and to incorporate that disclosure into a modification of the disclosure of Anderson *et al.* '122. Moreover, the Examiner has not cited any reference disclosing or suggesting a DHCP server having the functions recited in the claims of this application.

Further considering the portions of Anderson *et al.* '122 cited by the Examiner at page 7, lines 16-18 of the final Office action, the patent does mention the use of ID server 760 to maintain a registry 1001 of relevant Internet addresses so as to solve the "unknown address" problem encountered by users attempting to access another Internet location (for example, *see* column 12, lines 57-67 of Anderson *et al.* '122). However, in the final Office action, the Examiner has cited ID server 760 of Anderson *et al.* '122 as corresponding to the claimed "agent server" (*see* page 6, line 18 of the final Office action). Thus, the ID server 760 of Anderson *et al.* '122 cannot serve as a DHCP server in the Examiner's scenario since, according to that scenario, the ID server 760 corresponds to the claimed "agent server".

In response to the latter argument, the Examiner states (at page 3, lines 18-20 of the final Office action) that he agrees with the latter argument, but alleges that Anderson *et al.* '122 suggests

"that the ISP (710) would use the DHCP server instead" (*see* page 4, line 1 of the final Office action). The Examiner cites column 9, lines 4-9 and column 12, line 57 thru column 13, line 12, as well as Figure 7, of Anderson *et al.* '122. However, these citations do not support the Examiner's assertion. In the same sentence, the Examiner cites "What is DHCP?", but that reference does not support the Examiner's assertion, is not cited as a reference in combination with Anderson *et al.* '122 under 35 U.S.C. §103, and in fact cannot be cited under 35 U.S.C. §103 because it has a date which falls well after Appellant's priority date and U.S. filing date.

In response to the latter argument, the Examiner states that "the reference discloses a definition for DHCP", and that the "Examiner submits that this definition would be no different at the time of Applicant's priority date or U.S. filing date, than the actual date of the cited reference" (quoting from page 4, lines 4-7 of the final Office action). However, this is a presumption on the part of the Examiner, and is not supported by citation to any reference or prior publication. Thus, the statement by the Examiner, especially with respect to the allegation "that this definition would be no different at the time of Applicant's priority date or U.S. filing date, than the actual date of the cited reference" (again, quoting from page 4, lines 4-7 of the final Office action), constitutes the mere expression of an opinion on the part of the Examiner, unsupported by citation to any prior patent or publication.

The Examiner goes no to state that, "[f]urthermore, the What is DHCP? Reference was used merely to provide evidence of implicit, if not inherent, teachings of Anderson" (quoting from page 4, lines 7-8 of the final Office action). However, again, since the "What is DHCP" reference does not pre-date the Appellant's priority date or U.S. filing date, that reference cannot be used as

evidence in support of the Examiner's stated opinion, and cannot be used as a secondary reference for the purpose of modifying, clarifying or expanding upon the disclosure of Anderson *et al.* '122.

Finally, Anderson *et al.* '122 does not disclose or suggest the provision, transfer and use of "unique identification information" comprising at least one of an Ethernet address and a search keyword for a variable IP address of each network unit, as recited in claims 1, 7, 13 and 19. In response, in paragraph 5 on page 4 of the Office action, the Examiner merely states that he "has interpreted the URL to be at least one of an Ethernet address and a search keyword for a variable IP address of each network unit" (quoting from page 4, lines 11-12 of the final Office action). However, the Examiner provides no reference in support of his interpretation, so that the argument is based merely on the Examiner's opinion as not supported by any evidence.

In response to the latter argument, the Examiner merely directs the Appellant's attention to the cited passage (column 9, lines 39-50) of Anderson *et al.* '122 (*see* page 4, lines 14-15 of the final Office action). The Examiner then proceeds to state again his interpretation of the cited passage (*see* page 4, lines 15-19 of the final Office action). Thus, in response to Appellant's request for citation of external evidence supporting the Examiner's interpretation of the cited passage of Anderson *et al.* '122, the Examiner merely refers the Appellant once again to the cited passage, and only provides a restatement of his interpretation of the cited passage.

To summarize, Anderson *et al.* '122 does not disclose each and every element and function as recited in the independent claims of the present application. Moreover, one of ordinary skill in the art, upon reviewing Anderson *et al.* '122 as of date of the invention, would not be provided with

sufficient information to modify that disclosure so as to arrive at the present invention, as suggested by the Examiner in the final Office action.

Independent system claims 1 and 13 recite an agent server which includes a communication unit for receiving unique identification information comprising an Ethernet address and a search keyword for a variable IP address for each network unit, the latter data being stored in a database or storing means. As further recited in independent claims 1 and 13, the communication unit also receives, from the user, unique identification information comprising an Ethernet address and a search keyword for a variable IP address for a network unit selected by the user.

Anderson *et al.* '122 does not disclose a communication unit for performing the functions recited in independent claims 1 and 13. In the final Office action, the Examiner attempts to counter the latter argument by alleging that Anderson *et al.* '122 contains a sufficient disclosure of the general functions of the elements recited in the claims of the present application. However, Appellant is not claiming the functions alone, but is claiming (in each of the independent claims) an arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19. Thus, it cannot be said that Anderson *et al.* '122 discloses or suggests a communication unit for performing the specific functions recited in independent claims 1 and 13.

Furthermore, independent method claims 7 and 19 recite method steps corresponding to the functions set forth above relative to the communication unit. Thus, method claims 7 and 19 are also distinguishable from the disclosure of Anderson *et al.* '122 on that basis.

- **19** -

In paragraph 6 on page 5 of the final Office action, the Examiner attempts to counter this argument by stating that "Anderson does teach receiving and storing variable IP addresses" and that "it is implied in the teachings of Anderson that Anderson is using a communication unit, similar to Applicant's claimed communication unit" (quoting from page 5, lines 2-5 of the final Office action). However, again, the Examiner is merely relying on his own interpretation of what is "implied" in Anderson *et al.* '122 without providing support for that interpretation in the form of specific citation to portions of the text of the reference.

In paragraph 6 of the final Office action, the Examiner attempts to present a counter-argument by stating that the "Examiner maintains the arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19, fails [*sic*] to distinguish over the disclosed teachings of Anderson" (quoting from page 5, lines 5-8 of the final Office action). However, this amounts to a general statement of the Examiner's interpretation of Anderson *et al.* '122, without providing any details or specific citations in support of this allegation.

Independent system claims 1 and 13 further recite the agent server as including a control unit connected to the communication unit and to the database or storing means for receiving, from the user, unique identification information comprising an Ethernet address and a search keyword for a network unit selected by the user. Anderson *et al.* '122 does not disclose or suggest a control unit for performing this function. Independent method claims 7 and 19 recite method steps corresponding to the latter function of the control unit (*see* step (d) of each claim), and thus the method recited in claims 7 and 19 is further distinguishable from the disclosure of Anderson *et al.*

'122 on that basis.

In paragraph 7 on page 5 of the final Office action, the Examiner attempts to counter this argument by stating that "Anderson does teach an agent server (760) and database or storing means for receiving from the user unique identification information comprising at least an Ethernet address and a search keyword for a network unit selected by the user (col. 9, lines 39-50)" (quoting from page 5, lines 11-14 of the final Office action). However, Anderson *et al.* '122 does not **teach** "unique identification information comprising at least an Ethernet address and a search keyword" as alleged by the Examiner because, as stated by the Examiner in paragraph 5 on page 4 of the Office action, that is merely the Examiner's **interpretation** (*see* page 4, lines 11-12 of the final Office action).

In paragraph 7 on page 5 of the Office action, the Examiner further argues that it is implied in the teachings of Anderson that a control unit is connected to a communication unit and database or storing means similar to Appellant's claimed invention (*see* page 5, lines 14-16 of the final Office action). However, again, the Examiner does not support this argument with any citation to Anderson *et al.* '122 or any other reference, so that the argument is merely the expression of an unsupported opinion on the part of the Examiner. In fact, the Examiner merely restates his position that he "maintains the arrangement of elements for performing the functions recited in independent claims 1 and 13, as well as the steps recited in independent claims 7 and 19, fails [*sic*] to distinguish over the disclosed teachings of Anderson" (quoting from page 5, lines 16-19 of the final Office action).

As mentioned above, in the final Office action, the Examiner alleges that Anderson *et al.*

'122 discloses, in general terms, the functions and/or steps recited in the claims of the present application. However, as mentioned above, Anderson *et al.* '122 does not disclose the recited elements for performing those functions or steps, as recited in independent claims 1, 7, 13 and 19. Therefore, it cannot be said that one of ordinary skill in the art, upon reviewing the disclosure of Anderson *et al.* '122 at the time of the invention, would receive sufficient information to modify the disclosure of that patent so as to arrive at an arrangement of elements identical to the arrangement of elements or steps recited in claims 1, 7, 13 and 19 or the present application.

Furthermore, as recited in independent system claims 1 and 13, the control unit searches the database or storing means for a variable IP address of the network unit selected by the user on the basis of the unique identification information received from the user, and then responds to the results produced by the search for enabling the user to gain access to the selected network unit. In contrast, Anderson *et al.* '122 does not disclose a control unit as recited in independent claims 1 and 13, much less a control unit for performing the function recited in the claims as just discussed above.
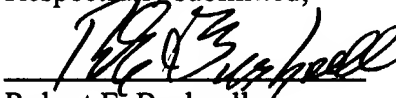
Independent method claims 7 and 19 recite steps corresponding to the latter function of the control unit (*see* steps (d) and (e) of each method claim), and thus the invention recited in claims 7 and 19 is further distinguishable from Anderson *et al.* '122 on that basis.

To summarize, independent system claims 1 and 13 recite an agent server having a communication unit, a database and a control unit with the functions recited in the claims. In contrast, Anderson *et al.* '122 does not disclose the details of an agent server, and thus does not disclose a communication unit or a control unit having the functions recited in the claims.

Finally, independent method claims 7 and 19 recite a method of controlling a network system having a DHCP server, an agent server, and at least one network unit, and then recite that various steps are performed by the latter elements. Moreover, independent method claims 7 and 19 also recite steps corresponding to the functions of the communication unit and the control unit recited in system claims 1 and 13. Thus, independent claims 7 and 19 are distinguishable from the disclosure of Anderson *et al.* '122 on these bases.

In view of the law and facts stated herein, as well as all of the foregoing reasons, Appellant believes that the rejection is improper, and respectfully requests that the Board refuse to sustain the outstanding rejection of claims 1 thru 9 under 35 U.S.C. §102.

Respectfully submitted,

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VIII. APPENDIX

CLAIMS UNDER APPEAL (1, 4, 5, 7, 10-13, 16, 19, 21 and 22)

1   1. (Previously Presented)   A network system, comprising:

2   at least one network unit having a variable Internet protocol (IP) address and unique

3 identification information;

4   a dynamic host configuration protocol (DHCP) server responsive to a request from said at

5 least one network unit for assigning said variable IP address to said at least one network unit for a

6 predetermined period of time; and

7   an agent server including a communication unit for receiving said unique identification

8 information and said variable IP address from said at least one network unit, for transferring said

9 unique identification information and said variable IP address, and for receiving from a user unique

10 identification information of a network unit selected by the user, a database connected to said

11 communication unit for receiving and storing said variable IP address and said unique identification

12 information transferred from said communication unit, and a control unit connected to said

13 communication unit and to said database for receiving from the user via said communication unit

14 said unique identification information of said network unit selected by the user, for searching said

15 database for said variable IP address of said at least one network unit on the basis of the unique

16 identification information received from the user, and for enabling the user to gain access to said

17 selected network unit in accordance with results of the searching of said database;

18   wherein said unique identification information includes at least one of an Ethernet address

19 of said at least one network unit and a search keyword for said variable IP address of said at least one

20   network unit.

1   4. (Previously Presented)   The network system as set forth in Claim 1, wherein said

2   control unit receives said at least one of said Ethernet address of said at least one network unit and

3   said search keyword for said variable IP address of said at least one network unit from the user over

4   said network and via said communication unit, compares said at least one of said Ethernet address

5   of said at least one network unit and said search keyword for said variable IP address of said at least

6   one network unit with data stored in said database to produce a match, and searches for said variable

7   IP address when the match is produced.

1   5. (Original)   The network system as set forth in Claim 4, wherein said data stored in said

2   database is updated at regular time intervals.

1   7. (Previously Presented)   A method of controlling a network system having a dynamic

2   host configuration protocol (DHCP) server, an agent server, and at least one network unit, said

3   method comprising the steps of:

4   (a) requesting a variable Internet protocol (IP) address for said at least one network unit from

5   said DHCP server when said at least one network unit powers up;

6   (b) transmitting the requested variable IP address from said DHCP server to said at least one

7   network unit;

8   (c) storing unique identification information and the variable IP address of said at least one

9   network unit in a database in said agent server;

10   (d) receiving data at said agent server from a user over a network, comparing said received

11   data with said unique identification information stored in said database, and searching for said

12   variable IP address of said at least one network unit when said comparing produces a match; and

13   (e) connecting the user to said at least one network unit having the searched variable IP

14   address;

15   said method further comprising the steps, between steps (b) and (c), of receiving said unique

16   identification information and said variable IP address of said at least one network unit at said agent

17   server, and transferring said unique identification information and said variable IP address of said

18   at least one network unit to said database in said agent server;

19   wherein said unique identification information includes at least one of an Ethernet address

20   of said at least one network unit and a search keyword for said variable IP address of said at least one

21   network unit.

1   10. (Previously Presented)   The method as set forth in Claim 7, wherein said data received

2   in step (d) comprises at least one of said Ethernet address of said at least one network unit and said

3   search keyword for said variable IP address of said at least one network unit.

1   11. (Original) The method as set forth in Claim 10, wherein data stored in said database is

2   updated at regular time intervals.

1   12. (Previously Presented)   The method as set forth in Claim 7, wherein data stored in said

2   database is updated at regular time intervals.

1   13. (Previously Presented)   A network system comprising a dynamic host configuration

2   protocol (DHCP) server, an agent server, and at least one network unit having a variable Internet

3   protocol (IP) address assigned to said at least one network unit by said DHCP server, and unique

4   identification information, said agent server comprising:

5   a communication unit for receiving, from each said at least one network unit, said variable

6   IP address assigned to said at least one network unit by said DHCP server and said unique

7   identification for each said at least one network unit, and for receiving from a user unique

8   identification information for a network unit selected by the user;

9   storing means connected to said communication unit for receiving and storing said variable

10   IP address and said unique identification information for each said at least one network unit; and

11   a control unit connected to said communication unit and to said storing means for receiving

12   the unique identification information for the network unit selected by the user, and for searching said

13   storing means for said variable IP address of said selected network unit on the basis of the unique

14   identification information received from the user, and responsive to results produced by said

15   searching for enabling the user to gain access to said selected network unit;

16   wherein said storing means comprises a database, said communication unit transferring said

17   received unique identification information and said variable IP address to said database; and

18   wherein said unique identification information includes at least one of an Ethernet address

19   of said at least one network unit and a search keyword for said variable IP address of said at least one

20   network unit.

1   16. (Previously Presented)   The network system as set forth in Claim 13, wherein said

2   control unit receives, from the user, at least one of an Ethernet address and a search keyword

3   corresponding to the network unit selected by the user.

1   19. (Previously Presented)   A method of controlling a network system having a dynamic

2   host configuration protocol (DHCP) server, an agent server, and at least one network unit, said

3   method comprising the steps of:

4   (a) requesting a variable Internet protocol (IP) address for said at least one network unit from

5   said DHCP server when said at least one network unit powers up;

6   (b) transmitting the requested variable IP address from said DHCP server to said at least one

7   network unit;

8   (c) storing unique identification information and the variable IP address of each said at least

9   one network unit in a database in said agent server;

10   (d) receiving at said agent server, from a user, unique identification information

11   corresponding to a network unit selected by the user;

12   (e) comparing said unique identification information received from the user with said unique

13   identification information stored in said database;

14   (f) determining said variable IP address of said network unit selected by the user when step

15 (e) produces a match; and

16 (g) connecting the user to said selected network unit having the determined variable IP

17 address;

18 wherein said unique identification information includes at least one of an Ethernet address

19 of said at least one network unit and a search keyword for said variable IP address of said at least one

20 network unit.

1 21. (Previously Presented)   The method as set forth in Claim 19, wherein the unique

2 identification information received from the user in step (d) comprises at least one of an Ethernet

3 address and a search keyword corresponding to the network unit selected by the user.

1 22. (Original) The method as set forth in Claim 21, wherein said data stored in said database

2 is updated at regular time intervals.

IX. EVIDENCE APPENDIX

Prior Art references cited during the prosecution to date.

X. RELATED PROCEEDINGS APPENDIX

None.